SUPPLEMENT TO

The Bombay Gazette.

BOMBAY :—MONDAY, JANUARY 23, 1882.

HIGH COURT.—JANUARY 21.

Before the Hon'ble Sir CHARLES SARGENT in Chambers.)

A SUIT FOR FOUR LAKHS.

DR. SIDNEY SMITH *vs.* GHELLABHOY PUDUMSEY AND KESSOWJEE NAIK.

Mr. Payne, of Messrs. Payne and Gilbert, presented a plaint by which the plaintiff seeks to recover from the defendants, as directors of the four mills which were managed some time ago by Nursey Kessowjee and Co., the sum of Rs. 4,00,000 and interest due to the plaintiff upon four bills of exchange, all dated 20th November 1878, drawn by the defendants on the firm of Shamjee Nursey and Co. of Calcutta. The plaint was accepted as a summary suit.

A SUIT TO RECOVER RENT.

ANANDRAO NARAYEN WASUDEO *vs.* GEO. TAYLOR.

Mr. Hormusjee, of Messrs. Janardhun and Hormusjee, presented a plaint by which the plaintiff, a son of the late Hon'ble Narayen Wasudeo, seeks to recover Rs. 1,935 for one year's rent at Rs. 150 a month and taxes for the plaintiff's bungalow at Malabar Hill occupied by the defendant. The plaint also prayed for an order for ejectment. His Lordship accepted the plaint as a short cause.

(Before the Hon'ble Mr. JUSTICE WEST.)

MATRIMONIAL SUITS.

ANNIE HEMINGWAY *vs.* JOSEPH HEMINGWAY ; AND JOSEPH HEMINGWAY *vs.* ANNIE POWAR *alias*, ANNIE HEMINGWAY.

THE first of these suits is an action for judicial separation, and the second is a cross-suit for dissolution of marriage. Mr. F. L. Latham and Mr. Sadashewnana, instructed by Messrs. Chalk and Walker, appeared for Annie Hemingway, who is the petitioner in the first suit and respondent in the second ; and Mr. Lang and Mr. Rivett-Carnac, instructed by Messrs. Hearn, Cleveland, and Little, appeared for Mr. Joseph Hemingway, who is the respondent in the second suit. The case was continued to-day.

Mr. Lang said the facts which gave rise to the second petition in the suits were these. The petitioner, Joseph Hemingway, has been for some years in India, and in 1863, he was in the employment of Messrs. Wells and Glover. He then made the acquaintance of the respondent, whose name was Luxmi of Vennasee. She was living with a man named Malhari (who was the office sepoy of Mr. Wells), and his wife. Malhari was the brother of Annie Powar's husband, Duttoo, to whom she had been married when quite young. Duttoo was also in the employment of Messrs. Wells and Glover, and Mr. Hemingway knew him. When the petitioner first made the acquaintance of Annie Powar, that is in 1863, Duttoo was not in Bombay. But Duttoo came to Bombay about June 1864, and lived in the same house with his wife, Annie Powar, and his brother Malhari. He was at the time suffering severely from disease, and remained in Bombay for a few weeks only. Mr. [illegible] that Duttoo was Annie Powar's [illegible] Duttoo left Bombay she came to [illegible] lived with the petitioner for [illegible] after which owing to the remonstrances of his friends, the connection was broken off. Annie Powar then went to her native village [illegible] near Karjut. She came back [illegible] and assured Mr. Hemingway that her husband Duttoo was dead, and he was all the [illegible] it, because the man had been [illegible] from disease when he was in Bombay. She then lived with the petitioner, and [illegible] become a Christian. She was accordingly placed under the tuition of the missionaries connected with the Free General Assembly's Institute, and was afterwards baptized. Very soon after [illegible] she went through the usual form of marriage with the petitioner. Three or four years afterwards, the petitioner became aware that Duttoo was alive. He taxed her with it, when she admitted that it was true, but said there was no chance of Duttoo giving any trouble. Partly from being under the impression at the time that her conversion to Christianity had dissolved the marriage, and partly, no doubt, from the fact that he was living, apparently in happiness with her, the petitioner took no steps to separate himself from her. But now their disagreements having culminated in legal proceedings, he asked for a dissolution of marriage. He was prepared to provide for all the children born of the marriage. The learned counsel, continuing, said that Annie Powar had two sisters, Succoo and Thakoo, and a brother called Ithoo Powar. Ithoo was in Bombay, but as he and his family had been greatly benefitted by the connection, it would be very difficult to get from them the fact that Duttoo was still alive. The question then was whether Duttoo was alive at the time of the second marriage in 1886, which would, of course, be decided if it could be shown that Duttoo was still living.

The Judge said if they produced Duttoo, the question would then be as to his identity.

Mr. Lang, continuing, said that Duttoo's sickness had made some change in his features, but he could, nevertheless, be identified as the husband of Annie Powar. It was difficult to believe that Duttoo's whereabouts should not have been known to his wife for more than seven years.

Evidence was then called on behalf of Mr. Joseph Hemingway.

Ithoo Narayen Powar examined by Mr. Rivett-Carnac said.—I am a cooly. I live in Bombay. I have been here four years. I have a sister named Succoo. Her husband is dead. His name was Suddoo. I have another sister named Thukoo. I have a step-sister named Anoo. She is called by no other name. I do not know if she is married. She lives in a *saheb's* bungalow situated at Matharpakadi. I lived there for four years, until about two or three months ago. We called the *saheb* Jeevun Saheb (pointing to the petitioner).

The Judge.—It is just possible that Jeevun Saheb may be a corruption of Joseph.

Witness continued.—I do not know under what circumstances my sister Anoo came to Bombay. I do not know whether she lived at Poona. I do not know that she was married previous to her living with the *saheb*. At Bombay I used to work under the *saheb*. My wife, my sister and her husband were also living there.

Cross-examined by Mr. Latham.—I was not present at Anoo's marriage. I do not know that Anoo lived with any man as her husband, except the *saheb*.

To his Lordship, I took no steps to get my half-sister married, though she grew in years. I made inquiries and heard from Succoo that Anoo was about to be married. That was about 4 or 5 years after leaving the village. Succoo did not tell me to whom Anoo was going to be married. Subsequently, I did not make any inquiries. I learnt afterwards that she was then living with the *Saheb*.

Duttoo Hunmantrao examined by Mr. Rivett-Carnac, said.—My native village is Bhowrapore, beyond Poona. I was born and I lived at Poona. I was employed under a sowkar at the age of ten or eleven. I was first married when I was about 16 years old, at Poona. My wife's name was Bhagoo. She died two or four years after the marriage. A short time after, I married a second time a girl called Vanarsee. I am a Maratha and a Kunbi. My second wife at the time of her marriage was 8 or 9 years old. When she was brought to my house, She had her sister with her named Succoo. I had two brothers, named Malhari and Gunputrao. I do not know the family name of my second wife. After my marriage, I was at Sholapore, Nagpore and other places working as a bricklayer. I left my wife behind with my brother Malhari. She was employed at an earthwork at Bombay. I was at Bombay for a few days at the time. I then went to Chalisgaum. Malhari wrote from Bombay to me at Chalisgaum that my wife had absconded. He did not say with whom. I destroyed the letter after reading it. I made no effort to get my wife back again, because afterwards I did not think her eligible. I do not know whether Malhari made efforts to get her back. I went to Poona, and got married again about a year after my wife ran away.

Q. Do you think you would be able to recognize your second wife ? A. I might perhaps. I do not know if she is alive or dead.

Q. Well, look about the Court, and see if she here ? Witness.—I do not see her here.

Mr. Rivett-Carnac. Will your Lordship ask the respondent to stand up ?

The Judge.—Yes, let her stand up.

Witness seeing the respondent (who wore European dress) said : I do not know that she is my wife. She is not my wife.

The Judge.—Are you quite sure ? A. Witness.—Yes.

Mr. Rivett-Carnac.—What are your grounds for saying that she is not your wife.

Mr. Latham objected to the question ; but the objection was over-ruled.

Witness.—I say the respondent is not my wife. My wife had a black mark on her right check. The woman whom I see here has no such mark. My wife had a black mole from the time of her birth.

Cross-examined by Mr. Latham.—My age is now 52. At the time of my first marriage I was about 15, and on my second marriage I was about 25. At my second marriage, my mother and paternal uncle were present. They are both dead. Succoo was the only other person present. Succoo was the only relative of my wife whom I knew. When I came down to Bombay my wife was about 11 years old. I never saw my wife since I left Bombay. I did not see the *Saheb* (Mr. Hemingway) at Bombay. I had seen him at the road works at Edlabad, but never since.

Mahadoo Sukojee.—I am a Muccadum. I have known Mr. Hemingway for 16 or 17 years. I know the respondent, whom I first knew at Wareebunder, some 17 years ago. She was living there in a hut with her brother-in-law Malhari and his wife. Her age was about twelve years when he first saw her. She used to draw water for the *Saheb* at the chowkey. and for other workmen. The respondent was then married, her husband's name being Duttoo. I saw Duttoo at Bombay in the house of his brother Malhari. The respondent was called Luxmi at the works. Here is her husband (pointing to Duttoo) When we came to know that Luxmi had some relations with the *Saheb*, we ceased to drink water from her hands.

Mr. Lang.—Do you mark any charge in the respondent since you first saw her.

Witness.—Yes, she is now become a "madam" (Laughter).

Mr. Lang.—But do you mark any change in her features ?

Witness.—Yes, they have changed.

To the judge.—At the time when Duttoo was at Bombay, and living as a guest of Malhari, Luxmi, was living in the *Saheb's* bungalow.

Sakharam Pandoo, formerly in the employment of Messrs. Wells and Glover, corroborated the evidence given by Mahadoo Sukojee.

The case was then adjourned until to-day (Monday.)

BENGAL.

MR. DAVE CARSON AND HIS "USHER."—At the Calcutta Police Court on the 18th inst. Mr. Dave Carson, lessee of the Corinthain Theatre, charged John Jones, an usher of the Dress Circle, with the theft of three programmes, valued at Rs. 39, from the box occupied by the Viceregal party. Mr. Cranenburgh appeared for the prosecution, and Mr. Moses for the defence. Mr. Carnenburgh opened the case for the prosecution, and stated that accused was Mr. Dave Carson's servant, and was engaged by him as an usher of the dress circle on a salary of one rupee per night. On the night of the 10th instant there was a performance, and the Viceregal party was present. Mr. Carson caused seven programmes to be printed and gave instructions to all the ushers to return any programmes found in the theatre after the performance to the Babu in charge of the office. Mr. Carson was not aware of any programmee being missing till the afternoon of the 12th instant, when a Mr. Fuchs and Mr. Kellar were at his house, and he (Mr. Carson) mentioned that he was surprised that some of the programmes were not forth. coming, when Mr. Fuchs mentioned that three had been given to him by Mr. Jones, and that he had given them to Herr Bandmann. Mr. Cranenburgh mentioned that Mr. Carson brought the charge as an example to his other servants. After the evidence had been heard the Court stated that it had given the matter every attention, and was of opinion that it had better stop here, as it had quite made up its mind that the prosecution had utterly failed to prove any dishonest intention whatever. The accused was directed to be discharged, without any stain on his character whatever. Mr. Moses applied to have compensation granted to accused, as the prosecution had obtained a summons by by misrepresenting the case to the Magistrate. Mr. Cranenburgh objected, and the Court called Police Inspector Ballard, who deposed that the Deputy Commissioner of Police had declined to take any action in the matter, and had referred the prosecution to a Magistrate. Mr. Cranenburgh addressed the Court at length, but the Court stated that it regretted it could not agree with him. Accused had been put to considerable expense and anxiety, and had been honorably acquitted. The matter was an extremely serious one, and it ruled that Mr. Dave Carson pay accused Rs. 30 as compensation for bringing a false charge.

MADRAS.

DEATHS IN MADRAS.—From the 7th to the 18th instant, 2 Europeans, 5 East Indians, 18 Native Christians, 207 Hindoos, and 42 Mahomedans died in Madras, making a total of 274 persons. The average of the corresponding week for the ten previous years was 344. The deaths are thus classified : 5 from small-pox, 5 from measles, 71 from fever, 28 from dysentery, 16 from diarrhœa, 26 from cholera, and 123 from other diseases. The population, according to the last census, being 397,552, the death-rate in the week under notice was at the rate of 35·8 per 1,000 per annum. The mean of the ten previous years was 45·1 per 1,000 per annum.—*Mail.*

PROPOSED VOLUNTEER CORPS FOR SECUNDERABAD.—The local paper suggests the formation of a Volunteer Corps at Secunderabad. It thinks a Volunteer Corps is especially desirable in the Deccan, where large English communities are located in near proximity to turbulent bodies of native soldiery, in the employ of the Hyderabad Government, and to Mahomedan nobility, who, at times, are apt for break through all discipline in their desire to plunder.

INFANTILE VOLUNTEERS AT BANGALORE.—After drill on Saturday morning last, Colonel Benson, Commandant of the Bangalore Rifle Volunteers, addressing the Corps, remarked that he was glad to say he had received a highly favourable report from Colonel Ross-Church, who commanded the Volunteer force at Palaveram, of the conduct, discipline, and efficiency of the Bangalore Volunteers while in Camp. Colonel Benson was sorry, however, to note that two babies had run away from Camp and returned to Bangalore. The Colonel said that this was partly his fault, in allowing the babies to accompany the Corps. The next time that a Camp took place, and the babies in question desired to take part in it, he would take care to provide them with perambulators, feeding bottles, and an ayah each, so that they should not "want to go home to mamma."

RESERVED RAILWAY CARRIAGES.—To prevent intrusion on the part of ticket collectors and others on passengers in reserved carriages, the Madras Railway authorities have ordered that whenever a carriage or compartment of a carriage is reserved for passengers, it will be the duty of the station-master at the station of departure, in addition to the observance of the present rule, which requires an "engaged" broad or conspicious card label to be placed on both sides of the carriage or compartment, to write on the ticket attached to the "engaged" board the name of the person for whom the accommodation is reserved, and also to furnish the guard of the train with a parcels way bill, showing the station of destination, the number of the reserved carriage, the name of the person for whom reserved, and the number and class of tickets paid for.—*Mail.*

KILLING A BROTHER ON ACCOUNT OF WITCHCRAFT.—One Gauduva Nayaker, who had been convicted and sentenced by the Ganjam Sessions Court to transportation for life on a charge of murder, preferred an appeal to the High Court against the sentence. It appeared from the evidence that the appellant had been ill for three or four months, and attributed his illness to witchcraft practised upon him by his brother. He had also reproved and even struck his wife for speaking to his brother. The appellant and his brother were woodcutters. On the morning of the murder the appellant was sharpening his knife on the pyal of his house, when his brother, who had been out to sharpen his axe, returned and asked him where he was going to. The appellant replied "Where can I go ? My legs and arms are stiffened," and as his brother was going away he struck him on his head and shoulder with his knife, and his brother fell. In rising, he dropped his hatchet and the appellant seized it, struck him with it on the back of his head, which caused immediate death. The appellant admitted that he killed his brother because his brother was destroying him by witchcraft, and also said that he was obliged to kill him, lest he himself should be killed by a giant, whom his brother sent to visit him in his dreams. The High Court dismissed the appeal, and directed the immediate execution of the sentence.—*Times.*

THE TOUR OF THE MAHARAJAH OF TRAVANCORE.—The following is the programme of His Highness the Maharaja's trip to Madras, Bombay, Benares, and Calcutta :—

Leave.	Date.	Arrive.	Date.
Trevandrum	..26th Jan.	Pallode	..26th Jan.
Pallode	...	Minmutti	...27th ,,
Minmutti	...27th ,,	Kaluthuruthi	..27th ,,
Kaluthuruthi	..28th ,,	Ariencavoo	..28th ,,
Arrencavoo	..28th ,,	Courtallum	..28th ,,
Courtallum	..28th ,,	Tinnevelly	..29th ,,
Tinnevelly	..29th ,,	Tanjore	..30th ,,
Tanjore	..30th ,,	Madras	...31st ,,
Madras	.. 4th Feb.	Tripati	... 4th Feb.
Tripati	.. 5th ,,	Kristna	.. 6th ,,
Kristna	... 6th ,,	Poona	.. 7th ,,
Poona	.. 8th ,,	Bombay	.. 8th ,,
Bombay	..11th ,,	Nassick	..11th ,,
Nassick	..11th ,,	Khundwa	..12th ,,
Khundwa	..12th ,,	Jubbulpore	..13th ,,
Jubbulpore	..13th ,,	Allahabad	..14th ,,
Allahabad	..14th ,,	Benares	..15th ,,
Benares	..16th ,,	Gya	..18th ,,
Gya	..19th ,,	Patna	..19th ,,
Patna	..20th ,,	Calcutta	..21st ,,

His Highness will be accompanied by the Dewan and a staff of junior officers. Surgeon-Major Houston, Durbar Physician, will precede the Maharaja to the different important towns on the route, and will await his arrival there.—*Mail.*

ABOLITION OF THE NILGIRI COMMISSION.

THE abolition of the Nilgiri Commission, so long held in abeyance, is at last settled, and last Wednesday night's *Gazette* publishes the *fiat*. The death warrant will be executed on the 1st of next month, and under the new constitution of the District, commencing from that date, Mr. R. W. Barlow, the present Commissioner, becomes Collector and Magistrate and Additional Sessions Judge, without powers to punish with death or transportation (except in cases of old offenders) ; Mr. G. T. Mackenzie is appointed Head Assistant ; Mr. J. H. A. Tremenhere, Assistant and to act as Head Assistant during Mr. Mackenzie's absence ; and Mr. R. S. Benson acts as Temporary Special Assistant ; while Mr. W. E. T. Clarke will hold the office of Subordinate Judge at Ootacamund. The formal announcement of the reconstitution of the District is made in the following terms :—In exercise of the power conferred by Section 5, Act I of 1867 (M), the Right Honorable the Governor in Council hereby directs that Madras Act II of 1881 (an Act to repeal Madras Act I of 1868) shall come into operation and take effect from the 1st February, 1882. The tracts subject to the jurisdiction of the Commissioner of the Nilgiri Hills, immediately before the date of the coming into operation of Act II, of 1881 shall, from and after the said date, constitute a district, as defined in the Code of Criminal Procedure, designated the Nilgiri District.—*Times.*

DHOBIES CHARGED WITH SPREADING CHOLERA.

AT the Madras Presidency Magistrate's Court, before Colonel Weldon, on the 18th inst., two dhobies, named respectively Govindo *alias* Moonoosawmy and Rumdoo, were charged with negligently doing an act likely to spread infectious disease dangerous to life. Mr. W. Stephenson, the Assistant Engineer and Sanitary Officer of the Madras Municipality, stated that, on hearing that cholera had made its appearance in the dhoby village at Kosapet, he went there, accompanied by the Municipal overseer of the division and a police constable. On going to the house of No. 1 he found a corpse there bound round with sheets used for cots laid on a carpet which was saturated with excreta. He then questioned prisoner No 1 as to whose property the sheets and carpet were, and told him that he must burn them. The prisoner refused to do so, as he said that they belonged to some native gentleman residing at Black Town ; witness then called for the assistance of the police and secured the property. He also visited another house where he saw a man suffering from cholera, and the dhobies were sorting the clothes near him throwing some of the pieces over him ; he warned the men not to do so, and left. Overseer Lokiah Rajah and police constable Appasawmy of the E. Division, who accompanied Mr. Stephenson, corroborated his statement. Dr. Alexander Porter, Surgeon Major of the I. M. D., stated that he was in charge of the 4th Division, Madras ; that cholera was not in his opinion infectious in the sense in which small-pox, for instance, is infectious, but the disease is communicable from person to person through excretions from a patient suffering from the disease, and in that sense is infectious. There is no fear of catching the disease by merely being in the same room for a short time with a person suffering from cholera, provided one does not come in contact with any of the excretions either omitted or passed from the bowels. Witness continued :—"The danger is that some of the poisonous matter may pass through the mouth ; merely to be touched by the matter externally would not be dangerous. Clothes soiled with cholera excreta are dangerous owing to the difficulty of removing the germs of disease by ordinary washing. Such clothes would have to be specially treated to render them innocuous. I have heard the evidence as to the clothes found with the corpse spoken of. I don't think it would be safe to use those clothes unless they were specially and carefully washed and disinfected. Assuming the deceased to have died of cholera, and that the clothes referred to by the witnesses were soiled by cholera excreta, the danger or otherwise of the subsequent use of those clothes would depend entirely on how they had been treated after being in contact with cholera excreta. Any treatment short of boiling and fumigating would not in my opinion free them from danger. The sanitary condition of the locality referred to [illegible] good ; water not very good. The disease is [illegible] badly spread owing to some of the cholera [illegible] getting into the water used by the dhobies." Two dhobies living in the same locality, affirmed that the corpse in question was that of a woman, about 50, who had died of cholera. His Worship adjourned the case for the defence for a day—the accused being released on bail.

N.-W. PROVINCES, PUNJAB, AND OUDH.

ELECTRIC LIGHT AT ALLAHABAD STATION.—The Electric light is to be permanently introduced at the Allahabad Railway Station, and also, we believe, at the Railway Workshops. The recent experiments have proved highly satisfactory, and no time will be lost in substituting the electric light for the old kerosine lamps. The Agent of the Electric-Lighting Company, who has been superintending the experiment, has returned to Calcutta to make the necessary arrangements. It is expected that the new light will be introduced in about six weeks' time.—*Indian Herald.*

THE SIND, PUNJAB AND DELHI RAILWAY.—We have received the fifty-first half-yearly report of the Directors of the Sind, Punjab, and Delhi Railway Company. The accounts are rendered for the half year ending the 3rd June, 1881, and show net earning sufficient to pay interest at the rate of 3·16 per annum. This is a considerable fallng off from the returns of the previous year ; the working for the half year ending 30th June 1880 having yielded net earnings which produced £3,872-7-1 above the guarantee of 5 per cent. per annum ; the falling off being due to the great decline in carriage of war and public works material, as also of produce and manufactures for the public, whilst working expenses show no reduction. There is, however, an increase in numbers and value of the passenger traffic. The working of the flotilla shows a loss of £7,782, as against a loss of £15,344 in 1880 Measures are being taken to reduce the working expenses connected with this property, and continuous efforts are being made to dispose of the fleet, which is no longer required, in consequence of the opening of the Indus Valley State Railway from Multan to Kotree. Attention is being paid to the wheat of the Punjab, and it is hoped that a continuous trade in it may be established with Europe. During the later months of the year, a brisk traffic had sprung up, and at one time rent of storage had risen 100 per cent. and considerable quantities were lying in the open for want of storage room at Kurrachee, the shipping in the port being quite inadequate to meet the demand for export. Vessels were telegraphed for from Bombay and elsewhere by merchants.—*Civil and Military Gazette.*

BOMBAY PORT TRUST.

EXCERPTS from the proceedings of a meeting of the Trustees of the Port of Rombay, held on the 17th instant.

GOVERNMENT AND THE PORT TRUST.

Read Government Resolution No. 23, dated 3rd January, requesting the Trustees to reconsider their proposal in regard to the payment to be made by Government for the extra accomodation required at the Sassoon Dock with reference to the opinion expressed by the Government of India to the effect that as the use of the Sassoon Dock for transport purposes will greatly benefit the Trust owing to the Carnac-bunder being left entirely to the shipping trade, therefore the Trustees should meet in a liberal spirit the views of Government, with respect to the payment to be made for extra accomodation at the Sassoon Dock, especially as the claim for rent of land occupied by a baggage shed and kitchen at Carnac-bunder was admitted at a time when the Trust had just come into existence hampered by heavy embarrassment. Read minutes of members of the Land Committee. Resolution—Government should be informed that the Trustees see no reason to alter their decision which was arrived at after very careful consideration and the terms of which have been agreed to by the Government of Bombay.

PRINCE'S DOCK RATES.

Read letter from the Superintendent P. and O. Company, dated 5th December, forwarding letter from Messrs D. Sassoon and Co., complaining of the inconvenience to them of shipping their goods from Prince's Dock. They also state that the rate charged on Twist is too high, as also the overside charge on opium. Read minutes of members of Dock Committee. Resolution :—The overside charge on opium in Prince's Dock should be two annas per chest and one anna per half chest instead of one third the combined wharfage and shipping charge or six annas and eight pies per chest as at present. The Dock rates on twist and yarn should be especially considered at next revision of rates. When the new rules for tallying cargo into the Dock are brought into force such of the other matters complained of by Messrs. Sassoons as are under the control of the Trustees will be remedied.

ROADS AND DRAINS ON THE TRUST ESTATE.

Resumed consideration of letter from the Municipal Commissioner, dated 28th May, on the subject of taking over the roads on the Elphinstone Estate, west of Frere-road, also of report by the Engineer, dated 25th August. Considered also letter from the Municipal Commissioner, dated 15th November, intimating that the system of drainage proposed by the Trust Engineer for the south end of Mody Bay Estate will not meet the requirements of the Municipality, inasmuch as it is not proposed to separate storm water from sewage. Resolution—It should be pointed out to the Municipal Commissioner that the two questions dealt with in this correspondence are quite distinct, one being with regard to the taking over of the roads and drains on the Elphinstone Estate which have long been ready for transfer, and the other with regard to the drainage of the Mody Bay Estate which has not yet been carried out. With regard to the former the Resident Engineer's explanation, dated 25th August last should be forwarded to the Municipal Commissioner with a request that he will be so good as to arrange for the roads to be taken over as soon as possible. The Municipal Commissioner should be informed that in the event of his thinking it absolutely necessary, the Trustees will be prepared to provide the ventilating man holes, and also extra road metal, but, for the reasons stated by the Resident Engineer they do not think this probable. With regard to the Mody Bay drains, action has already been taken in the Secretary's letter to the Municipal Commissioner, dated 6th instant.

RENT OF LAND ON THE ELPHINSTONE ESTATE.

Read letter from Vurjeewandass Madhowdass, Esquire, dated 5th January, proposing that the rents chargeable for leases of land on Elphinstone Estate that may be applied for in future be raised as under :—For 1st 10 years Re. 1 per square yard per annum, for next 10 years, Re. 1½ per square yard per annum ; for remaining 30 years, Rs. 2 per square yard per annum. Read minutes of members of Land Committee. They recommend that a foot-bridge be put up over the railway between Musjid and Elphinstone overbridges and the majority recommend that the rents be then increased as suggested by Mr. Vurjeewandass. Read letter from the Traffic Manager, dated 10th January, 1882, forwarding a letter from the Bombay native merchants' Association asking that a foot-bridge be put up between Musjid and Elphinstone overbridge. Resolution.—The Resident Engineer should be asked to report as to the best position for a foot-bridge, its height, span, &c., and application should then be made to the Agent G. I. P. Railway Company for permission to erect it. On this being obtained an estimate of the cost should be prepared. The rates for the ground west of Argyll-road should in future be :—Re. 1 per square yard per annum for 1st ten years, Re. 1½ per square yard per annum for 2nd ten years, and Re. 2 per square yard per annum for remaining thirty years as proposed by Mr. Vurjeewundas.

REMOVAL OF SAND FROM BUTCHER'S ISLAND, &C.

Read letters from the Port Officer, dated 20th December and 5th January, stating that the tenders received for the right to remove sand from places within harbour limits are not, in his opinion, satisfactory. He recommends either that he be allowed to prohibit the removal of sand from Butcher's Island and Caranja or that he be allowed to make a temporary agreement for these two places in the hope that a better offer for the whole will be received by the time that the Alibag contract expires, viz : 31st March Next. Resolution.—Consideration postponed until 31st March, as recommended by the Port Officer, who is authorized either to prohibit the removal of sand from Caranja and Butcher's Island until then or to make a temporary arrangement for its sale as may appear most expedient to him.

The following were amongst the papers laid on the table :—Government Resolution No. 13, dated 11th January, sanctioning the toll proposed by the Trustees to be levied on wagons at the firewood siding.

Correspondence with Collector of Customs on the subject of fenced spaces within the sheds at the Dock for the examination and weighment of goods. The Dock Committee recommend that spaces be fenced off in B. C. E. and G. sheds at an estimated cost of Rs. 94.

Note.—It is proposed to sanction this.

Memo from Superintendent Prince's Dock, dated 11th January, reporting the sale of 40 carts of coal ashes for Rs. 100.

Letter from Dock Superintendent, dated 5th January, reporting the sale by auction of wheat, seed, and cotton, &c., sweepings collected at the Dock for Rs. 340-14, also the sale of old iron, wood, and rope, for Rs. 100, and recommending that Rs. 10 each be paid to the five inspectors who were instrumental in collecting the articles.

Note.—It is proposed to sanction this.

Pilotage statement, for the week ending 14th January :—

21 vessels piloted into harbour.
22 ,, out of ,,
15 ,, transported.
5 ,, attended to.

Statement of vessels using Prince's Dock, for the week ending 13th January.

12 square rigged vessels entered.
12 ,, ,, left.
14 ,, remaining in Dock.

DEFRAUDING UNDERWRITERS.

THE Report of the Bombay Underwriters' Association, which we published a few days ago, referred to a case tried during last year before Mr. Lely, Divisional Magistrate of Bulsar, in the Surat district, in which three members of the crew of a native cargo boat were charged with having committed criminal breach of trust as carriers in respect of two full-pressed bales of cotton, which were part of a cargo of 200 bales shipped at Bhaonagar by Messrs. Greaves, Cotton and Co., for Bombay, on the 9th April, 1880. The following is the full judgment in the case :—

Gowan Jeram, Bania Kanji, and Bavla Gopal are charged with having, in April last, committed criminal breach of trust as carriers (Section 407, I.P.C.) in respect of two full-pressed bales of cotton produced in court. It is proved by the bill of lading that these two bales, marked A B 399 and A A B 1934 respectively, formed part of a cargo of 200 bales shipped on 9th April last at Bhaonagar by Messrs. Greaves, Cotton and Co., on board the padaw Ramprasad for Bombay. Accused No. 1 was tindal of this padaw, and Nos. 2 and 3 members of the crew. On the 16th they put into Dhanu creek with their cargo short by 61 bales, and the tindal sent a telegram (not produced) to the consignees. Subsequently he went to Bombay, and on the 19th signed a protest before Mr. Chalk, notary public, to the effect that he had been driven by stress of weather on the Malakhi Shoal, and had been obliged to jettison the missing cotton in order to save the rest. About the same time the two bales now in court were found buried near the shore at Danti, a place higher up the coast than Dhanu. The above facts are proved, and are not denied by the accused. The question for decision is, how did these two bales get transferred from the ship Ramprasad to their place of concealment at Danti ? Two preliminary points require notice. The first is, that besides the property now produced there were found, nearly in the same locality, and at the same time, 14 other bales and about 80 maunds of loose cotton. It is highly probable that these also were part of the Ramprasad's cargo, but no traces were left by which they could be identified. It is, therefore, safer to limit the case, as against the accused, to the two bales in court. Danti being in Baroda jurisdiction, the men who brought the cotton there, and buried it, have been tried and sentenced by the Magistrate at Naosari. Those men were, it is clear, equally guilty whether they got the bales direct from the tindal, or dishonestly misappropriated them as flotsam or otherwise. Their conviction and the narrative of their doings on the Danti shore must not prejudice the accused in this case, unless and until connection between the two parties is proved. Before this is done much of the evidence recorded in the earlier part of these proceedings is not, strictly, even admissible. This brings me back to the main question,—What proof is there to show the bales left the Ramprasad ? The answer of the accused is contained in the tindal's protest before the notary public, and in their statements before this court. They say, in brief, that they were forced to jettison, and they would have it inferred that some of the castaway bales were found by the Danti men and unlawfully appropriated. The theory of the prosecution is, that after leaving Bhaonagar the tindal ran into Wasi Creek, and there struck a bargain for the sale of part of his cargo with the men who have been convicted at Naosari, that in pursuance of that bargain the receivers afterwards ran alongside him in open sea with three padaws and took delivery of 61 bales with intent to defraud the underwriters. The first question that suggests itself is,—What has become of the remainder of the 61 bales ? Only 17, at the very most, have been found. It may be that the receivers landed only a part of the spoil at Danti, or it may be that they had carried away the bulk before the Customs officers got on the scent. But appearances would rather seem to indicate that the bales were stray flotsam recovered from the sea. The accused are entitled to the best of the point, such as it is. On behalf of the prosecution there are three oral witnesses. One is Lalla Bhulla (No. 6), who was a shipmate of the accused on the Ramprasad during the voyage. He gives particulars of the transhipment, and of the three padaws going off towards Surat. I cannot attach much, if any, value to this witness. There is no doubt that if he had not volunteered the statement he has made, he would have been placed in the dock along with the others. This is virtually admitted by Mr. Maneklall, the Sir Karkun of Customs, who is conducting the prosecution. Now, evidence given in order to, or with the knowledge that it will, save the giver from a criminal charge, cannot, standing by itself, be weighed very much, even if it be free from suspicious circumstances. But Lalla Bhulla's is not thus free. By his own admission, he reached Dhanu in the Ramprasad with the rest ; he there heard the tindal (accused No. 1) tell Mr. Greaves and clerk that he had jettisoned the missing bales ; he well knew that this was untrue, and that a gross fraud was being hatched, and he spoke not a word, either openly or privately, to Greaves or anyone else. His first appearance in the present character that we hear of was some days after on his being called before the Second-class Magistrate of Jallalpur. This was not the conduct of an honest man wishing to clear himself from complicity in a fraud. He may be truthful, but he cannot expect the credit of being so on his own merits that he has not been formally offered pardon, it might have raised some presumption of his sincerity if he had criminated himself. But this he does not do. He was at the helm, he says, and took no part in the work of transhipping. The second direct witness for the prosecution is Moya Govan (No. 7). He deposes that he saw the Ramprasad lying in the Wasi creek, that he went on board out of curiosity, and overheard accused No. 1 making a bargain for the sale of the bales with certain men, one of whom was Didha Bawa, a leader of the gang since convicted at Naosari. Witness says he warned the accused that he would inform the shippers ; but he does not appear to have said a word about it until he came forward in these proceedings. It seems a little unlikely that the tindal, who is not a fool, should have recklessly discussed such a matter in the hearing of a chance bystander. Not only so, but the witness is so deaf that if he heard what he says he did, it follows that the tindal must have shouted his terms more in the manner of an auctioneer than of a conspirator. It only remains to add that the witness is deeply in debt (he himself admits it), and that he has been fined Rs. 15 by a magistrate, but "cannot remember" for what offence. The third witness for the prosecution, Fakir Gullab (No. 4), is called to prove the visit of the Ramprasad to the Wasi creek. He says he remained on duty two months afterwards, which would fix the occurrence at about the middle of April, as his son for service expires in Jeth month. Although he keeps no record, he gives to the court minute details as to the state of the ship and cargo, and the number of days she stayed. Without in the least accepting the many imputations thrown out by the accused against the Customs officers in this case, it may yet be justly noted that this witness is a Koli khalasi in their employ. He would be naturally inclined to remember what he imagines his superiors want him to. Such evidence on such a point is not to be trusted unless it is substantially supported. The only other direct evidence consists of the answers of the accused to this court, coupled with the protest made by accused No. 1 before Mr. Chalk, notary public, in Bombay. The original of the latter is produced. Between these two statements there is one discrepancy of some importance as against the tindal. In the protest he says that he jettisoned the bales *after* leaving the Malakhi Shoal. Here he says that he threw them *on* the shoal. His explanation is that the protest, as written, does not correctly represent what he said. Some colour is given to this by one of the witnesses for the prosecution (No. 6), who says that the words he (the tindal) used at Dhanu, two or

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three days before the protest, were that the bales had been jettisoned "on the Malakhi Shoal." On the other hand, it is with much reason replied that he, by signing the paper, formally declared its accuracy. The discrepancy being established, it is yet possible to make far too much of it. Everyone of any experience in taking evidence knows how easily, on points of detail, memory plays tricks with the most honest man. In the case of natives of the tindal's class, with their loose habits of observation and still looser habits of speech, it would be specially dangerous to lay much stress on a variation between a statement made to-day and a statement made six months ago. If his account be in the main true the time that he spent on and off the shoal must have been one of excitement, and it would not be strange if his recollection of it were somewhat equivocal. Nor does an examination of the protest lead me to believe that it was ever intended to be a minutely accurate narrative. Neither Mr. Chalk nor (perhaps) the "appearers" can have anticipated that any question of fraud would be raised. It seems to me that the statement was both given and received as merely a broad declaration that part of the Ramprasad's cargo had been lost through bad weather. That being secured on paper, the "appearer" may, naturally enough, have paid little regard to minor incidents. How else are we to explain that in the first paragraph it is stated that "Jogi Mitha and Gowan Jeram personally came and appeared," whereas the accused frankly and of his own accord admits that Jogi Mitha, who is a child, did not appear at all? Jogi Mitha is also stated to be "tindal of the padaw called the Ramprasad," and Gowan Jeram "one of the crew" only, whereas the latter was tindal. Again, both Jogi and Gowan are distinctly said to have set sail with the rest from Bhaonagar, whereas the former was not on board at all. It is not apparent—it is not even suggested—that there could have been any ulterior motive in making these misstatements. What could possibly be gained by saying that Jogi Mitha was on board, when he was not? The same inattention to what he thought secondary details may have led accused No.1 to pass the sentence about jettisoning the bales, though he may have known it to be a mistake. It should not be forgotten that had he been so disposed, he could have procured a copy of the protest and have made his statement in court tally with it exactly. Such a perfect coincidence would really have been more suspicious in a man of his class than a few variations. On the other hand, it must be borne in mind that the account in the protest is somewhat less plausible than the other, and for that reason he may have decided to alter it. Nor can anything entirely explain away the fact that he signed one thing as true in April, and another thing as true in November. On the whole, I consider this portion of the evidence to weigh against accused No. 1, though far from being conclusive. The pivot, however, on which the prosecution turns is the intrinsic improbability of the whole story given by the accused. We have now to inquire if that improbability is such as to leave no reasonable alternative but to infer that the story is false. The contention is, that the Malakhi Shoal is so perilous that no boat getting upon it in windy weather, as described by the accused, could possibly be saved. On this point evidence is given by Mr. Ghulam Mahomed, commander of the Bhaonagar and Surat ferryboat. He is a man of unimpeachable respectability and of long experience in the navigation of this part of the sea. He says "in April-May (meaning, it would appear, in the usual April-May weather) if a boat get on the shoal there is no hope of saving her." He afterwards adds, "If a boat were on the shoal, even though the tide were coming in, she might possibly be saved if there was no wind, and if she were strong and new." He declines to say at what age a boat can be considered old, as it depends so much on original construction. This is very strong evidence. On the other hand, I cannot but feel great reluctance to hold that the accused's story of their escape is absolutely impossible on the abstract opinion of one man, however worthy. It is unfortunate there is no other expert on the point available on whom any confidence can be placed. The accused offer to produce several tindals who have actually been on the shoal and got off somehow, but the prosecution say that would mean nothing, because frauds like what is now alleged have been rife on the coast for years. That is probably so, but I cannot assume it as against the accused. The truth is, the prosecution has undertaken a very difficult task in trying to prove generally, without any credible direct evidence and with so little honest experience to guide us, that a thing is impossible. It is not enough to prove that 99 ships have been lost on this Malakhi Shoal. It must also be proved that the hundredth has not escaped, or else that the Ramprasad was not that lucky hundredth one. Moreover, if the story is so entirely incredible it is hard to understand why the tindal made it up. Supposing that he wished to cover a fraud, it would have been just as easy to do so by a plausible lie as by one that carried its own exposure to all instructed persons. I do not attach much weight to this consideration, but it is worth noting. At this stage of the case it seemed that some additional light might be gained if it were authoritatively settled whether or not the bales had been immersed in sea water. They were accordingly sent for examination to the Chemical Analyser to Government. In his report upon them, Dr. Lyon states as follows: "All six sides of one bale show signs of having been wetted with salt water, and signs also of the salt water having penetrated through the covering to the cotton beneath. These signs of wetting with salt water extend also below the surface of the cotton." Similar remarks are made of the other bale. He also gives an opinion that if a bale were placed in sea water "the great compression of the cotton would render absorption very slow." Now, if the prosecutor is on the right track in the charge brought against the tindal and his men these facts are unintelligible. With the story of the accused they are quite consistent. It is obvious to common-sense that traces of salt water would not be found inside the covering and below the surface of an impervious mass like the contents of a full-pressed bale of cotton unless the bale had been for some time in direct contact with the sea by immersion or otherwise. The Sirdar Kun can only suggest that brine may have been absorbed from the sand in which they were buried at Danti. But this will not pass for a moment. In the earlier depositions in the case it is reiterated several times that these two bales were found with two others, apart from the rest, buried high and dry, beyond reach of the tide. Another important point is the state of the Ramprasad on its arrival at Dhanu. Mr. H. Gr[illegible] there on receiving the news, and found [illegible] reached. It is clear that neither he nor [illegible] who accompanied him conceived any suspicion of fraud from what they saw. He distinctly states in evidence that he "did not consider the boat to be in a fit state to proceed to Bombay." He got into her, though not after she was unloaded. He goes on to say, "From what I saw, I should have said that the boat had been in bad weather. I should have said it required repair. It was leaking, and there were cracks along the side." It is true that this witness does not pretend to any special fitness for surveying ships. He merely looked over the hulk and cargo with the ordinary intelligence of a man of business, and as such his impressions must be considered of much value. On the other hand, Tribhovundass, a Karkun of the Customs Department, recently examined the boat, and though he found several "starts" in her timbers, his opinion is that they are all at least a year or two old. The balance of the evidence on this point is clearly in favour of the accused.

Mr. Ghulam Mahomed suggests that the accused are wrong in their account of the tides, and also that they could not possibly have made Bulsar in so short a time as they imply they did. But his deposition also supplies reasonable solutions of both these objections, and they need no further notice. The Assistant Collector of Salt Revenue, Mr. Pogson, has done public service in instituting these proceedings, and it is to be hoped that every case of similar suspicion will be brought into court. But after an inquiry extending over no less than [illegible] hearings I have come to the clear conclusion that the charge against the accused, in this particular case, cannot be proved. The opinion of Mr. Ghulam Mahomed is the only really strong evidence against them, and that alone would quite fail to justify a conviction in face of the rebutting parts already mentioned. All three accused must be discharged under section 215, C. P. C.

F. S. P. LELY,
F. C. Magistrate.

Camp Chikli, Dec. 21, 1881.

THE PRINCES' VISIT TO SINGAPORE.

THE all-absorbing topic of the day is the visit of the Royal Princes Albert Victor and George of Wales, the sons of the Prince of Wales, and grandsons of Her Majesty the Queen, who are expected today from Hongkong in H. M. S. Bacchante, and preparations are being made to welcome them in a becoming manner, and give expression to the loyalty of Her Majesty's subjects and other enjoying the benefits of her rule in this Colony. The knowledge gained from the experience of Shanghai and Hongkong has limited the proposed festivities in their honour to a very modest programme which can scarcely fail to meet the approval of their superior officers, as well as of Her Majesty and their Royal present.

The programme, so far as it can be arranged, is as follows:—Monday, 9th, Races, and Theatricals at the Town Hall, at which of course their attendance will be obsional. Tuesday, 10th, a Regatta in the harbour, which will be an attractive affair, and in which the boats of the men-of-war, ships boats, and racing outriggers, will have an opportunity of proving their powers, there being also sailing and pulling races for Malay boats, and other features of a tropical regatta, affording the Royal Sailor Princes an opportunity of witnessing races between craft, the like of which for build and speed they have probably never yet seen. The Regatta will be followed in the evening by a Fancy Ball at Government House. On Wednesday, it is proposed to have a shooting expedition, (dependant on the weather and the Princes' inclination), after which they will go to the Races or amuse themselves with Lawn Tennis, and in the evening there will be Dinner at Government House. On Thursday, Friday, and Saturday, they will be the guests of H. H. The Maharajah of Johore, at the Istana, Johore Bahru, and on their return on Saturday, the 14th, the illuminations and fireworks, will be given here, previous, to their departure in the Bacchante on her homeward cruise.

His Majesty the King of Siam, as a mark of friendship or her Majesty Queen Victoria has sent down to Singapore, in his own steam yacht Vesatri, H. R. H. Kroma Mun Devawangsa Taraprakan, brother to the King, and H.R.H. Phra Ong Chao Sai Samt Wansa, His Majesty's nephew, who arrived here yesterday morning, to pay their respects on behalf of His Majesty to the Princes. They paid an official visit to H. E. the Governor yesterday afternoon, under a royal salute from Fort Canning and a guard of honour.—*Straits Times*, Jan. 7.

GREAT CLAIM BY THE LIQUIDATORS OF THE GLASGOW BANK.

JUDGMENT was given on Dec. 23rd by the Lords of the First Division of the Court of Session at Edinburgh in one of the most extraordinary cases that have ever come before the public. The Liquidators of the City of Glasgow Bank had presented a petition against Mr. William Mackinnon, of Balinkill, in Argyllshire, for the recovery of the sum of 311,666*l.* 16s. 9d. alleged to have been improperly paid away by the Directors of the Bank during the time when Mr. Mackinnon was a member of that body. The stoppage of the Bank, it will be remembered, took place on the 5th of October, 1878, and caused the utmost consternation in the financial world, as well as, bringing about the ruin of a large number of persons who had hitherto believed themselves to be in comfortable, and even affluent, circumstances. The state of things revealed by the Report of the Accountants appointed to examine into the affairs of the Bank showed a recklessness on the part of the responsible management, which was not only without precedent in commercial annals, but was justly deemed sufficient to warrant a criminal prosecution of the Managing Directors. They had, it appeared, treated bad debts to the amount of 7,345,000*l.* as available assets, and had estimated the value of the securities representing this sum according to the price set upon them by the debtors themselves, without taking any steps to ascertain their actual market value. Since 1873, too, the management had entered in their books fictitious deductions of large sums against "bills payable," and had falsified other accounts to such an extent as to make the shareholders believe that the Bank had lent upon credits upwards of a million sterling less than they really had, and that they held good securities for nearly the same amount more than was actually the fact. They had not even the gold which was legally necessary to meet their notes by 200,000*l.*, and their books, when examined, were found to contain an open acknowledgment of this last mentioned delinquency. The total amount lost was 5,190,983*l.*, exclusive of a million sterling of actual capital. The exemplary punishment of those who were immediately responsible for the frauds and laches which made such a frightful deficit possible somewhat pacified the public mind, but so many and serious interests were involved that it was only to be expected that the matter would give rise to further litigation. The action just decided was a test case, and determines once for all the position of those Directors who, while technically responsible for the management of the Bank, were certainly not willing participators in the frauds committed, and who could not be suspected of bad faith, however much they may be blamed for want of care and discretion.

The claim made against Mr. Mackinnon was for the amount paid by the Bank between 1858 and 1870 as dividends to the Shareholders, the contention being that the Directors who sanctioned the disbursement knew that the sums did not come out of the profits, as alleged, but out of the actual capital. The circumstances under which the claim arose are as follows. Mr. William Gemmell had acquired from an American Railway Company the Racine and Mississippi, a number of bonds for 1,000 dollars each, which were a first charge upon the line, bearing interest at eight per cent, and upon these and certain other stocks belonging to the same gentleman the Bank made large advances. In November, 1857, these amounted to 117,608*l.*, the securities being of the nominal value of 134,000*l.* At this date the Bank stopped payment, and up to this time the respondent, though a shareholder, never been a Director of the Bank, nor in any way concerned in its management. An Investigation Committee was appointed to inquire into the affairs, and, a favourable report having been made at a meeting of hsareholders in December, 1857, a resolution was passed that business should be resumed. Mr. Mackinnon who was a member of the Shareholders' Committee, at this juncture accepted the office of a Director. After resuming business, the Bank made a further advance on the security of Bonds of a further portion of the same line, and it is upon the *bona fides* of this transaction that the action brought by the Liquidators was based. The war between the Northern and Southern States had caused a great depression in the Stock of the American Railway Company, which was therefore in great embarrassment, and not in a position to pay the interest then due. There was, however, good reason for believing that the line would ultimately succeed, and the New York agents of the Bank, who are spoken of as persons of high character, reported favourably on its prospects. The interest due from the American Railway, amounting to 7,552*l.*, would therefore be only an additional advance by the Bank on security. Under these circumstances the respondent signed the balance-sheet, and it was for this act that he was sought to be made liable for the very important sum in dispute. The 7,552*l.* was carried in the books of the Bank to the credit of the profit and loss account, and of the course increased to that extent the apparent balance of profit for the current year. The Liquidators contended that this sum not having been received could not be considered as profit, and that its division among the shareholders as such was really an illegal dealing with the capital of the Bank. The Lord President in commenting upon this, the really crucial part of the case, laid it down that before the Directors could be convicted of fraudulently paying away capital as dividends, it must be amply proved that they knew that the sum, though due, was unpaid, and had been divided as clear profit, and also that they had no reasonable grounds for believing that the interest was well secured and would be ultimately recovered. That they did believe in the last proposition is conclusively shown by the fact, which was elicited in evidence, that at one time the Bank had staked as much as nine millions sterling on their faith in the ultimate prosperity of the American Railway. This turned out in the end to have been a somewhat reckless throwing away of good money after bad; but it is an answer to the accusation of bad faith, which is the gist of the whole of the Liquidators' claim.

A voluminous amount of evidence was put in as to the worth of the securities between 1858 and 1870, from which it appeared that the Directors were quite right in looking upon them as possessing the marketable value that was assigned to them; and it would have been manifestly imprudent to write them off as a bad debt at the time when the respondent entered upon his duties as a Director, or, indeed, at any subsequent period, since the investment continued to pay interest up the time of the stoppage of the Bank. The securities would even have been realised, had it not been for the loss which would have resulted from obtaining payment for them in United States currency and subsequently converting this into gold in London. Another most important point noticed by the Lord President was that whilst a portion of the capital of the Bonds was being used by the Bank to pay dividends corresponding to the amount of the interest due, but unpaid on the Railway securities between 1858 and 1870, there was growing up in precisely the same proportion an addition to the Bank's capital in the form of securities for the unpaid interest. Mr. Mackinnon himself in the commercial crisis of 1866 endeavoured to dissuade his brother Directors from continuing the practice of placing unpaid interest to the credit of the profit and loss account, but was over ruled, although he continued to urge his objections until his resignation in 1870. What made the case against Mr. Mackinnon particularly hard was that he had been entirely unconnected with the management of the Bank for ten years, and had ceased to be even a shareholder for six, while the actual loss upon the American Bonds resulted from the proceedings of the Liquidators, who realised at the heavy loss of twenty-five per cent. To have made the respondent answerable for a breach of trust going back for more than twenty years, and against which he had protested during his own term of office, would have been manifestly unjust, even if the other points to which we have called attention had not been proved. The main importance of the decision to the public is that it has been authoritatively pronounced that an honest and conscienotius Director cannot be made amenable for the faults of his colleagues and sucessors, and that a shareholder who has sold out whilst a company is presumably solvent, as Mr. Mackinnon did, is released from the terrible responsibility of unlimited liability. This is not only law, but common justice.—*Standard.*

PRINCE BISMARCK AND THE NEW ROMAN QUESTION.

THE *Daaily Telegraph* published the following:—

Paris, Thursday, 29th Dec.:—The relations between Germany and the Vatican are naturally watched here with the closest attention. The *Clairon* publishes this morning a telegram from its Berlin correspondent, in which the writer declares that Prince Bismarck has as good as decided upon taking the initiative in agitating for a European Congress to revive the temporal power of the Holy See on new bases. The Chancellor would appear to have arrived at the conclusion that the only way of preserving not only Germany but Europe from the encroachments of international Democracy is the maintenance of a strong and respected Catholic Church. The correspondent adds that since Prince Bismarck has fully made up his mind to adopt this policy his demeanour has visibly changed. He has lost his air of melancholy and depression, and now seems to be imbued with his old vigour and energy. His friends are already trembling at the reception which is reserved for his plan in Protestant Germany, but his sole anxiety is lest his negotiations with the foreign Powers might fall through.

M. Clemenceau's organ, the *Justice*, thus concludes an article on this same subject: "We must not imagine that Prince Bismarck will make capital out of the Clericals. The Church will make a tool of him. This is the truth. Leo XIII. must believe himself master of the situation to display such provoking confidence. Europe is warned. All the forces of the Vatican are banded together. The Papacy offers its hand to the German Empire. Let us beware!"

Vienna, 29th December.—Commenting upon the question of Italy and the Pope, the semi-official *Fremdemblatt* writes as follows:—"We do not deny that it would, perhaps, have been better not to transfer the capital from Florence to Rome. Not only Massimo D'Azeglio, but also Cavour was opposed to it. But the course of events in 1870 having carried the dynasty to Rome, a retreat from the Eternal City would be tantamount, to the ruin of Italian unity and the downfall of the monarchy. Therefore, if the Pope finds it impossible to live near the King in Rome he must pass into exile. Thus the question must be settled between Italy and the Holy See, and that exclusively on Roman soil."

THE SILVER QUESTION.

WE make the following extracts from the proceedings of a meeting of persons interested in the Silver Question, held at the India Office, London, on Saturday, the 12th November, 1881:—

There were present:—Edward Cazalet, Esq., D.L., J.P., Fairlawn, Tunbridge, Chairman; Robert Barclay, Esq. (R. Barclay & Co.), Manchester; Robert Barclay Chapman, Esq., Bengal Civil Service (Retired), and late Financial Secretary to the Government of India; Henry Coke, Esq. (D. Sassoon and Co.), Liverpool; Henry Riversdale Grenfell, Esq., Governor of the Bank of England; Benjamin Kisch, Esq., M.A., B. Sc., Barrister-at-Law, 11, New Square, Lincoln's Inn; Roper Lethbridge, Esq., M.A., late Press Commissioner to the Government of India; Sir Louis Mallet, C. B., Under Secretary of State for India; Paul F. Tidman, Esq. (McTaggart, Tidman and Co.), 34, Leadenhall Street; A. Cotterell Tupp, Esq., Bengal Civil Service, Accountant-General of Madras; W. Westgarth, Esq., 28, Cornhill; and S. Williamson, Esq., M.P., Liverpool.

Mr. E. Cazalet, the Chairman, in the course of his speech said:—The question we have to deal with is not so complicated as some people suppose. It is simply this: Can silver be eliminated from use as currency in Europe and America, without enormously enhancing the value of gold, and depreciating the value of silver? That question is, assuredly, not a difficult one to answer. It is not a speculative theory which we enunciate, when we say that the withdrawal of any portion of the active currency of a country must enhance the value of what remains, in proportion to the amount withdrawn. Now gold and silver are just as much a forced currency for the world at large as a forced paper currency is for an individual state, when that state of affairs prevails, and a contraction of the metallic currency of the world must produce results upon the trade and commerce of the world precisely similar to those which the withdrawal of an enforced paper currency produces in a single state, viz., distress and ruin to all kinds of commercial and manufacturing enterprise. But there is this important difference in the prospect now before us. The withdrawal of greenbacks in America was a protracted operation, lasting for many years; the demonetisation of silver in the United States, and throughout the different States of Europe, employing a metallic currency, may be effected in a day. If no arrangement is arrived at by the different Governments before the Monetary Conference meets in April next, and France and the United States, following the example of Germany and Italy, are driven to demonetise silver, the unprecedented event may be witnessed that, in one morning, silver to the value of 50 or 60 millions of pounds sterling, now lying in the banks of France and Germany, may be demonetised, and the available metallic currency of Europe and the United States contracted to that extent. Now, if you wish to form an idea of the effect which such an event would produce upon commerce and trade, and the money-market in this country I would only ask you to consider for a moment what would be the position of the money-market in England were France only to send silver of the value of one million pounds sterling to London, sell it here for what it would fetch, and with the proceeds withdraw gold from the Bank of England. I know it will be said that this is a mere chimera, that France will never do anything of the kind, seeing it would involve her in too heavy a loss. Those who say this, however, ignore the fact that France cannot remain bi-metallic, whilst all the countries around her—Holland, Germany, Italy, Spain, and England, as well as the United States,—are mono-metallic with gold correncies. France must perforce choose between gold and silver, and who can doubt that she will choose gold. It would be a choice of evils, and surely it would be better for France to put up with the loss upon her silver, than suffer the permanent disadvantage of possessing a currency differing from the currency of all the countries which surround her, and with which she trades. The position of England under such circumstances would be peculiarly unsatisfactory. Her interests tional trade is far greater and more important than that of any other country, and she is, therefore, particularly sensitive to any sudden changes calculated to disturb the currency of the world. Moreover her great dependency, India, possesses a more metallic silver currency, and, if silver were mono-demonetised in Europe and the United States to be redundant stock of silver, which would become to valueless in Europe, must of necessity find its way to London for sale and shipment to the only place where it could be actively utilised, India, the

Indeed, should England hold aloof from an International agreement, the control of our money market will not be in our own hands. It will be in a great measure at the mercy of those countries which hold the enormus stocks of silver, and will depend upon the use they may please to make of their silver. With respect to the supply of gold, neither Germany nor the United States have any gold to spare. The demand from America has ceased for the present, but it may revive at any moment. The gold which goes to Italy is at once locked up in her treasury; she will require, at least, 20 millions more before she can commence specie payments, and, until that moment arrives, not an ounce of the gold sent to Italy can find its way back to England. France has only 22 millions of gold against a paper circulation of 100 millions—a sum wholly inadequate; she will require 30 millions or 40 millions more to place a gold currency on a solid basis. Whence are these supplies to come? Our own stock is barely sufficient for our requirements; any withdrawal of gold from the Bank of England must tell, more or less, on the reserve of cash, and that reserve is already reduced to a very low figure.

Mr. A. Cotterell Tupp, Bengal Civil Service, Accountant-Genearal of Madras, I said:—I consider myself in this matter merely the representative of M. De Laveley, with whom the whole idea of forming a permanent association for this object originated. When he was in England in the spring of this year, he constantly spoke to me about this, and urged me to do anything in my power to help it on. As I was, unfortunately, the only person at leisure and able to devote any time and energy to it, the duty fell on me of trying to arrange this conference; and I sincerely wish it had fallen on someone with more influence and power. M. de Laveley's idea was that an Association or a Society should be formed, such as has often before been started to advocate and support some idea, or body of ideas. That really seems to be the only way by which we can act on English public opinion. He thought we should have a journal which should enable us to communicate our ideas to one another, and which should also contain reports of meetings and translations of the articles which appear on the subject in continental papers. M. de Laveley, before his departure, had intended to go to Manchester and Birmingham to try and arrange this, but his stay here was too short to enable him to do so, and after he left, I was unable to do anything until the autumn. In September, I visited several gentlemen at Manchester who were willing to join in anything we might do, but who had not time or leisure to originate a movement themselves. On returning to London I conferred with Mr. Grenfell and Sir Louis Mallet, but we found that it was almost impossible that any meeting could be successfully arranged in Manchester, and we finally determined to hold it in London, if we could possibly secure the attendance of those most interested in the subject. I do not think I need say anything more except that the idea is that we should form a regular association, have an annual subscription, publish a journal containing all our proceedings, with translations from the continental journals, and finally that we shall require some permanent official belonging to the Society, as Secretary, or something of that kind. Perhaps the most practical step we can take is, if we are agreed that it is desirable to form an association, that we should nominate some small working committee of four or five persons, who would represent the different interests concerned, and who would set to work at once practically to place the proposal before the public.

Mr. S. Williamson, M.P. (for St. Andrew's), in the course of his remarks observed:—If silver is to be cast away as money, and the United States are consequently to have this enormous power of drawing upon the diminished gold reserve of the world, it looks very like New York becoming the monetary centre of the world. I do not know whether in the interests of humanity, that would be a good thing or not, but at any rate it would be a very serious question for us Englishmen, for the English people, for English merchants, and for English labourers. At any rate, I believe that the world generally would not profit, but would be greatly disadvantaged by coming eventually upon a gold metallic basis alone.

Mr. Barclay (Manchester) having spoken.

Mr. Coke (Liverpool), (of Messrs. Sassoon & Co.) said:—I took the opportunity of accepting the invitation of Sir Luis Mallet to come here and speak, having had some experience in India, and having taken some interest in the financial department of India many years ago. I do not doubt that if India became bi-metallic, it is possible that gold would be brought out, and so the demand for silver in India would be lessened. Thus it would be a very great safe-guard for the whole world if India were to remain mono-metallic in silver, while England remained mono-metallic in gold. I hold it would be more to the purpose for bi-metallists and the world in general than if England were to become bi-metallic, and India also became bi-metallic at the same time. As far as England and India are concerned, if such a great concession as this to the object were granted, and the other governments came back to the original currency arrangement of the world, then the Bank of England would assume the position which that Balk held previously. If we have this agreement and understanding on the part of England and India, then I think, as far as English people are concerned, we have done every thing that can be done by the formation of an association, or by the starting of a newspaper.

Mr. H. R. Grenfell, Governor of the Bank of England:—I will give an example to show what ignorance prevails among those who ought to know better, as to the offers which were made by England at the late Conference. A friend of M. Cernuschi was with me only a week ago, and upon my stating to him that the offers made by the English representatives at the Conference were that the Empire should remain mono-metallic gold in England, and mono-metallic silver in India, he answered (a friend of M. Cernuschi, and an earnest bimetallist, mind you), that no such offer was made. I was very much astonished to hear it, but on looking into the *procés-verbal*, I found that no such offer had been made *totidem verbis* but the reason of this is obvious. The offers made by India and the Bank of England were founded on the declaration already made, to the effect that nothing would induce England to change her mono-metallic gold standard. It is, therefore, perfectly correct that the offer made by England was to remain gold mono-metallic here, and silver mono-metallic in India. Subsequently a certain offer was made by the Bank of England.

Mr. Westgarth, of Cornhill, then made a speech.

Sir Louis Mallet, C.B., Under-Secretary of State for India:—As regards the Conference, I suppose most of the gentlemen present have read the *procès-verbal*. I entirely share in the regret expressed by Mr. Grenfell that the circulation of the parliamentary papers has been so long delayed, but I am afraid this is by no means an uncommon occurrence. I hope it will not be so long accessible in French, that the report has been distributed. Still the The valuable *resumé* of those interested have read it. has already published, will, I hope, make the results of the Conference even more widely known than the parliamentary paper could do. The general results you all know as well as I do. Mr. Coke expressed his opinion that the contribution of England on that occasion was one which ought to have been accepted by the Conference as sufficient towards the object which we have in view. I very much share that view, and at the Conference, as you are aware, I dare say, I expressed that opinion. That was the language which I held; I thought that England, although unable to associate herself with a bi-metallic union, did never the less make a very important and very sufficient contribution in undertaking that while England on the one hand remained mono-metallic gold, India should remain mono-metallic silver. I do not think, as a practical question, that there would have been any very great difference of opinion as to the sufficiency of that arrangement, if all the other powers had agreed to unite in a bi-metallic union. The question, however, cannot be decided by these considerations alone, and no doubt many political elements came into the question. It was perfectly obvious that it was not satisfactory to the Americans, but the whole thing really turned on the effect which would be produced on the mind of the German Government by the attitude of England. That was really the turning point of the question. I think it probable if Germany had seen her way to joining the union, that the union would have been formed. I think it extremely probable that, in that case, the United States might have accepted our proposal as sufficient. I cannot say so with any degree of certainty, but that was my impression. As you know Germany is not prepared to take that step, although she made a very important contribution and I was inclined to think even a sufficient contribution. I believe, myself, that the Italian representation or delegation, or some of them at all events, and even M. Cernuschi, would not have been at all afraid to make that bi-metallic experiment with France and the United States, if a practical contribution could have been made by the two other powers. However, this was quite impossible in view of the attitude taken up by the United States delegates, and it was put on one side. Mr. Evarts designated my proposal as bi-mono-metallism, discarded it as such under that name. I should also mention that I had some conversation last year with Mr. Evarts, and then found him disposed to take that view. I can entirely confirm what Mr. Westgarth has said, that when he was here he was rather aiming at some practical arrangement short of bi-metallism, an agreement between the powers which would have tided over a period of difficulty, and might have resulted in more complete identification of principle between the great powers further on. But when I met him on the occasion of the second Conference, I found that he had entirely changed his ground. I could not ascertain why, but there were reasons in his mind which he would not state, and which induced him entirely to change his attitude. Strengthened as I was by opinion in England, I proposed, not at the Conference, but in a meeting with the French and American delegates, that if there was no absolute agreement possible on principle, yet, nevertheless, that it would be far wiser as a practical matter, if possible to come to some sort of agreement, or try to devise a scheme by which each State might make some contribution, by which something might be done to restore the value of silver. That was opposed by Mr. Evarts, and most violently by M. Cernuschi, who from the first said he would have all or nothing. I do not at all share that view, although I am the last man in the world to underrate the value of principle. Nothing would induce me in the slightest degree to suppress it, or to put it out of sight, or to under-rate its importance. I believe no policy, however favourable it may appear, can be in the long run successful, which does not rest upon sound principle. Therefore, if I did not believe that in devising measures to bring the values of the two metals nearer to each other we were distinctly promoting an ultimate agreement on principle, I should not be disposed to recommend that course. Believing, however, as I do without any question, that such a practical course is not only the best possible, but the only way by which the governments of the world will be led to introduce bi-metallism, resting as it does on the recognition of a principle which it is extremely difficult to understand, and to make acceptable to a great many minds, and believing also that the obstacles in the way of its acceptance are far more practical than theoretical, I think that if the value of silver was brought more nearly to its former ratio with gold, further step of bringing it back to a fixed relation the would be more easy. That being so, I was prepared personally last spring, and should be prepared again, to advise in favour of some practical endeavour in the direction which I have indicated. I may state that the information which has reached me since, both from Paris and Italy—I have not heard anything at all authentic or satisfactory from Berlin—leads me to think hopefully. In Paris M. Leon Say has been from the first in favour of some such practical method of proceeding, and in Italy the present and the late Ministers of Finance are both distinctly looking in that direction. I am in great hopes that as soon as the French Government is constituted, the matter will be taken up, and that before very long united action may commence and take the form I have described to you. I should personally view with extreme satisfaction the establishment of any journal, or any publication, which could diffuse in this country the information on the subject which is now available on the Continent. For the translation and publication in England of foreign documents and publications some kind of journal would be extremely useful. I should, therefore, be very glad to see a journal of that kind established, and to see an Association formed for the purpose of keeping an eye on this question, and making it more generally understood by the British public.

Mr. Chapman shared the doubts of Mr. Coke, and Mr. Williamson, as to the wisdom of starting a journal of their own. He was not very sure that it would be read; he rather doubted it; he thought they would read it, perhaps, particularly their own contributions, but he did not think their adversaries would read it much, or care much about it. It would involve much labour and trouble; probably some differences of opinion would appear; and his impression was, that for the present it would be enough to form an Association to act when occasion arose. He doubted whether the time was come to move actively; there was no particular pressure felt, and some prophecies made had not been realised; he was disposed to think, therefore, that this was a time for waiting, or perhaps for seeing if anything could be done towards some international agreement. This was the real desideratum, first, an international agreement by which nations should bind themselves, not to disturb by separate and individual action, the contracts of the whole world, and then, if possible, more at leisure to introduce the best possible standard.

Mr. Tupp.—May I just say a word with regard to the practical question of having a journal of our own, or of subsidising an already-established paper. It is perfectly impossible to get any good journal already in existence to take up the matter, for we should want means of reporting our proceedings, and papers read before us, and, therefore, more space and liberty than any paper is likely to accord to us. One of the chief things to be kept in view with regard to a paper is that we should all subscribe for a considerable number of copies, and distribute them freely. Our object should be not to make it a news journal, but one containing a record of our proceedings. It would be but a small expense, and we could distribute it freely. M. de Laveleye told me that there are similar publications, both in France and Germany, which have very considerable influence. I have not seen them myself, but it appears to me that a journal similar to that of any of the learned societies might have considerable influence, if widely circulated by members of the Association.

Mr. Grenfell.—Leaflets also might be sent out every now and then.

The Chairman.—We had better adjourn the discussion of these points until after we have decided upon forming an Association.

Mr. Tupp.—I merely wished to answer the objections that had been raised. I will now propose—"That an association, to be called the 'Mexican Reform Association,' should be formed to promote a belief in the principles of an International Monetary Standard, to hold periodical meetings for the discussion of questions relating to monetary affairs."

Mr. Williamson.—I have great pleasure in seconding that.

The resolution was then put and carried unanimously.

The Chairman.—The next proposition, I suppose, will be that a sub-committee be formed to carry out this resolution, and that will be perhaps rather more difficult than we imagine. Who will agree to work upon the sub-committee? For my own part I am about to leave the country for three or four months.

Mr. Grenfell proposed "That the gentlemen present at this meeting form themselves into a Council for the propose of carrying out the first resolution, with power to add to their number."

The Chairman.—I will second that.

Sir Louis Malet.—I am afraid I cannot, from my official position, join the Council or the Association.

This resolution was then agreed to.

Mr. Tupp.—I beg to propose Mr. Grenfell as President.

Mr. Grenfell.—I am afraid I shall be unable to do, as much for the Association as other gentlemen might do, and of course I can only be a member of the Association if Mr. Hucks Gibbs approves of it, but I have not the slightest doubt that he will do so.

The Chairman.—Would he be President? It would be a very good thing if he would. Will you ask him?

Mr. Grenfell.—Yes.

The Chairman.—Then I will propose that Mr. Hucks Gibbs be requested to accept the Presidency.

Mr. Grenfell.—I will second that.

This resolution was also carried.

The Chairman.—It is very desirable to have a Secretary, and I beg to move that Mr. Tidman be requested to act as Secretary.

Mr. Tupp.—I shall second that with pleasure.

This resolution was carried.

Mr. Howarth and Mr. Williamson were requested to become Vice-Presidents for Manchester and Liverpool.

The Conference then broke up.

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